

MINUTES

Regular Meeting
Frankfort Board of Commissioners

August 22, 2005
5:30 P.M.

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Andrew Layson
Commissioner Rodney Williams
Mayor William I. May, Jr. (5)

ABSENT

None (0)

Following roll call, the Invocation was given by Reverend Chuck Beinge, Pastor at Memorial Baptist Church. The Pledge of Allegiance was led by John Hammond.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to dispense with the reading of and approve as distributed meeting minutes of July 25, 2005 Regular Meeting, August 3, 2005 Special Meeting, and August 8, 2005 Work Session. There being no objection, minutes were approved by general consent.

Ceremonial Items

Mr. Bill Cull, President of Save the Grand Theatre, Inc. (SGT), gave a presentation concerning recent fundraising efforts to support renovation of the Grand Theatre. He also requested the City support SGT's applications for \$75,000 funding under the Renaissance Kentucky and \$250,000 under the Community Economic Growth Grant (CEGG) programs. Both grant programs are available through the Governor's Office for Local Development (GOLD). Following discussion, it was moved by Commissioner Bowers, seconded by Commissioner Carter to add Resolutions in support of the applications to the agenda as Items 5.5 and 5.6. There being no objection, the motion was adopted by general consent.

Mr. Ed Stodola made a presentation regarding the Grand Autumn Bicycle Ride Across Kentucky (GABRAKY). This event will be held September 30 through October 2, with the route from Carrollton to Dale Hollow Lake. The ride will be a fundraiser for the Grand Theatre, with the goal of raising \$30,000. Mr. Stodola asked the City to become a partner of GABRAKY to provide financial support for this year's event. Mayor May stated the request would be discussed with staff.

It was moved by Commissioner Carter, seconded by Commissioner Bowers, that Item 3.5 be removed from the agenda and the Board hold a public hearing on the Noel Estate rezoning request. Following discussion, the question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Mayor May (4). Voting against the motion was Commissioner Williams (1). The motion was thereupon adopted.

"AN ORDINANCE REZONING PROPERTY IDENTIFIED AS TRACT III LEONARDWOOD DRIVE BEING A 0.4803 ACRE TRACT OF THE CEDARS SUBDIVISION, PHASE II, LOCATED AT THE INTERSECTION OF LEONARDWOOD DRIVE AND KINGS DAUGHTERS DRIVE (MAP #050-00-00-067.04) FROM RH (HIGH-DENSITY MULTI-FAMILY RESIDENTIAL) TO CL (LIMITED COMMERCIAL)" was presented and read. The Ordinance had its first reading on July 25, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 17, 2005 Series).

"AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES, ARTICLE 2, SECTION 2.115; ARTICLE 5 IN ITS ENTIRETY; AND ARTICLE 8, SECTIONS 8.40, 8.401, 8.402, 8.403,

AND 8.404” was presented and read. The Ordinance had its first reading on July 25, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Layson, that the Ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 18, 2005 Series).

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES, ARTICLE 4, SECTION 4.01 – TABLE OF PERMITTED USES (LAND USE CODES: 802, 803, 805, 809, 823, 824, 833, 841, 843, 844, 851, 853 & 873)” was presented and read. The Ordinance had its first reading on July 25, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 19, 2005 Series).

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 37, PERSONNEL; CITY EMPLOYEES, SECTION 37.34, BIWEEKLY RATES, SECTION 37.35, POSITIONS FOR SEWER DEPARTMENT, AND SECTION 37.45, ENTRY LEVEL SALARIES AND SALARIES OF SPECIALLY QUALIFIED PUBLIC SAFETY PERSONNEL” was presented and read. The Ordinance had its first reading July 25, 2005. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 16, 2005 Series).

“AN ORDINANCE PROHIBITING PUBLIC DISTURBANCE NOISE” was presented and read.

“RESOLUTION OF THE CITY OF FRANKFORT ACCEPTING GRANT FUNDING FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE SEPARATION OF COMBINED SEWERS WITHIN THE HOLMES STREET CORRIDOR, APPROVING THE GRANT AGREEMENT, AUTHORIZING THE AMENDMENT OF LOCAL BUDGET, AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS (SX21073008)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Layson, to adopt the Resolution as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No.5, 2005 Series).

“RESOLUTION AUTHORIZING THE CITY OF FRANKFORT ACCEPTING GRANT FUNDING FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY TO ADDRESS CAPACITY ISSUES ALONG THE US 421 CORRIDOR AND SELECT AREAS OF EAST FRANKFORT, APPROVING THE GRANT AGREEMENT, AUTHORIZING THE AMENDMENT OF LOCAL BUDGET, AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS (SX21073002)” was presented. It was moved by Commissioner Layson, seconded by Commissioner Carter, to adopt the Resolution as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 6, 2005 Series).

“RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY ECONOMIC GROWTH GRANT (CEGG) PROJECT PROPOSAL/GRANT APPLICATION FOR AN AMOUNT UP TO \$500,000 TO THE GOVERNOR’S OFFICE FOR LOCAL DEVELOPMENT’S (GOLD) KENTUCKY COMMUNITY

DEVELOPMENT OFFICE (KCDO) FOR THE INDUSTRIAL PARK PUMP STATION AND FORCE MAIN UPGRADE PROJECT; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO CARRY OUT THIS PROJECT, INCLUDING GRANT AGREEMENT EXECUTION; AND AUTHORIZING THE MAYOR TO ACT AS AUTHORIZED CORRESPONDENT FOR THIS PROJECT" was presented. It was moved by Commissioner Layson, seconded by Commissioner Carter, to adopt the Resolution as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 7, 2005 Series).

"RESOLUTION OF THE CITY OF FRANKFORT SUPPORTING THE FILING OF A COMMUNITY ECONOMIC GROWTH GRANT (CEGG) PROJECT PROPOSAL GRANT APPLICATION BY THE FRANKLIN COUNTY FISCAL COURT FOR AN AMOUNT UP TO \$100,000 TO THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT'S (GOLD) KENTUCKY COMMUNITY DEVELOPMENT OFFICE (KCDO) FOR THE MARINA AND WATERFRONT FEASIBILITY STUDY PROJECT" was presented. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Resolution be adopted as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 8, 2005 Series).

"RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY ECONOMIC GROWTH GRANT ("CEGG") PROJECT PROPOSAL/GRANT APPLICATION FOR AN AMOUNT UP TO \$230,000 TO THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT'S (GOLD) KENTUCKY COMMUNITY DEVELOPMENT OFFICE (KCDO) FOR THE SAVE THE GRAND THEATRE PROJECT; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO CARRY OUT THIS PROJECT, INCLUDING GRANT AGREEMENT EXECUTION; AND AUTHORIZING THE MAYOR TO ACT AS AUTHORIZED CORRESPONDENT FOR THIS PROJECT" was presented and read in its entirety. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Resolution be adopted and edited by removing the "s" from "Hendricks". The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers and Williams, and Mayor May (5). Those voting against the motion were Commissioner Layson (1). The motion was thereupon adopted (Resolution No. 9, 2005 Series).

"RESOLUTION AUTHORIZING THE FILING OF A PROJECT PROPOSAL/GRANT APPLICATION FOR AN AMOUNT UP TO \$75,000 OF RENAISSANCE GRANT FUNDING TO THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT'S (GOLD) FOR THE SAVE THE GRAND THEATRE PROJECT; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO CARRY OUT THIS PROJECT, INCLUDING GRANT AGREEMENT EXECUTION; AND AUTHORIZING THE MAYOR TO ACT AS AUTHORIZED CORRESPONDENT FOR THIS PROJECT." was presented and read in its entirety. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Resolution be adopted as presented and read. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none. The motion was thereupon adopted (Resolution No. 10, 2005 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Authorization to Declare One (1) Diesel Exmark Mower (Serial # 300127) as surplus; authorize disposal through trade-in toward purchase of two (2) 72" Gasoline Exmark Mowers; new mower purchase from Masters Equipment Company, Waddy, Kentucky; cost of \$17,038, less \$5,000 trade in value for final price of \$12,038; funding available in account # 100.80.56550 (Parks and Recreation);

- 6.2 Authorization to approve emergency engine replacement in 1990 aerial truck; Repairs to be made by Clark Diesel in Cincinnati; replacement time frame approximately two weeks; \$23,000 available in account #100.42.54315 (Fire Dept);
- 6.3 Authorization for the Mayor to sign an application and transmittal letter for a new domain name for City of Frankfort E-Mail; \$125 fee available in account # 100.20.53295 (City Manager);
- 6.4 Authorization to execute a Deed of Partial Release for 0.056 acres at the entrance to Industrial Park #3 to the Kentucky Transportation Cabinet for the Duncan Road Widening Project; authorize the Mayor's signature on the related documents (City Manager);
- 6.5 Authorization for sewer department to issue a Request for Qualifications for engineering services associated with the Industrial Park Pump Station Upgrade Project; funds available in Sewer Reserve account #, 570, Sewer Pollution Abatement Fund (Sewer Department);
- 6.6 Authorization to approve Change Order Number 1 to Weber Excavating, LLC for additional work associated with installation of a new manhole and replacement of an additional 69 lineal feet of 12-inch collapsed sanitary sewer line at a depth of approximately 12-feet at Wapping and Washington Streets; additional cost of \$10,677, increasing total contract amount from \$30, 600 to \$41,277; funds available in account # 300.68.56550, Emergency Repairs (Sewer Department).
- 6.7 Personnel
- Appointment of Joanna L. Sawalich to position of Telecommunicator effective 8-23-05 (Communications);
 - Resignation of Christy Pratt from position of Plant Operator II effective 8-19-05, and authorize payment of all accrued time as of 8-19-05 (Sewer Department);
 - Conditional offer of employment to Charles M. Metcalf to position of Patrol Officer, contingent upon successful completion of physical, psychological, polygraph and drug screen examinations (Police Department);
 - Conditional offer of employment to Todd M. Smither to position of Patrol Officer, contingent upon successful completion of physical, psychological, polygraph and drug screen examinations (Police Department).

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that all items on Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

Board Appointments

Upon recommendation by Mayor It was moved by Commissioner Bowers, seconded by Commissioner Carter, that Kimberly G. Cowherd be appointed to the Urban Forestry Advisory Board, to a 3-year term ending 5-8-08; Andrew Casebier (representing AIA), be reappointed to the Architectural Review Board, to a 3-year term ending 9-12-08; and Joe Johnson (representing Board of Realtors), be reappointed to the Architectural Review Board, to a 3-year term ending 9-12-08. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Old Business

Commissioner Bowers asked the status of activities regarding the Capital City Airport expansion project. Following discussion, there was no majority support to issue a Request for Proposals for an Environmental Impact Statement.

Commissioner Williams asked Public Works Director Jeff Hackbart the process for posting notices for tree removal. Specifically, he requested information on the situation regarding the large Sycamore trees at Shelby and 3rd Street. Public Works Director Hackbart explained a permit for tree removal was required if a property owner wanted a tree removed. If tree health is the issue, the City Arborist was consulted. Andrew Cammack explained the city's policy is to remove a tree endangering street or sidewalk. If trees are healthy, the city has no interest in removing trees. However, on ROW there is shared responsibility for trees. Few permits are issued due to expense of tree removal. In this case a professional arborist could be consulted to determine safety of tree. Following discussion, this item is to be considered at a future Work Session.

On a motion by Commissioner Williams, seconded by Commissioner Layson, a recess was called at 7:35 p.m. Meeting reconvened at 7:50 p.m.

Citizen Comments

Mike Claffy requested to present a Powerpoint presentation at the next meeting concerning the Airport Expansion project. Presentation will be made at the August 12 Work Session.

Eric Burke presented information regarding the Bluegrass Area Development District's Unfunded Needs Transportation List as relating to the right turn lane project on Wilkinson Boulevard at Mero Street. He recommended dual right turn lanes be installed to avoid moving the location of the pump station.

Sally Lanham stated that long ago, \$7 million was spent to help eliminate Collins Lane flooding. She stated that water will run off Old Lawrenceburg Road due to the limestone underneath,

Ann Gibbs commented that the reasoning that the State will do what it wants to do regarding the Airport expansion is not a valid reason to do nothing about the airport. She stated the City has an obligation to its citizens.

Jim Looney suggested the Capital City Airport Manager be invited to a work session.

Ed Stodola stated he wanted the Sycamore trees at Shelby and Third Streets preserved. He also stated the renovation of the house is beautiful.

Commissioner Comments

Commissioner Carter recognized City employee Robbie Engle for his recognition from Speaker of the House of Representatives Jody Richards for his outstanding support of and work with Kentucky Changers. She presented information from the Parks and Recreation Department's monthly report regarding number of visitors and tours. She commented on the recent City Hall fire and complimented the Fire and Police Departments on their performance during that event. She commented on a memo from Major Scott Clark praising Human Resources Director John Morrow and his assistance and hard work concerning the Mercer Report and Rollback Ordinance. She encouraged City Employees to thank Department Heads for their hard work on the Rollback issue.

Commissioner Layson thanked General Storm and Scott Shannon for having the public information meeting on the Capital City Airport project. at the Kentucky History Center. He commented on the editorial letter he wrote and published in the State Journal concerning the Public Safety Building project. He stated the decision to remove a cost ceiling as fiscally irresponsible and is a blank check to use the City's Fund Balance. Encouraged citizens to read the letter and said the decision is of great importance to the citizens. He also stated the Architect has provided the Board poor quality work. He stated voters should demand responsible representation.

Commissioner Williams stated he is not comfortable with the precedent of holding a separate public hearing on the Noel Farm zone change. If the zone change is denied, everything previous is a waste of time and the role of the Planning Commission is undermined.

Commissioner Williams further commented on the August 3 meeting on the Public Safety building and that the vote was taken while he left the room. He has not had an opportunity to comment until now. He stated the building is a Public Safety building, not an EOC building and calling it an EOC building perpetuates confusion. Would appreciate it being referred to as a Public Safety building.

Commissioner Williams commented that the August 3 Public Safety Building decision brought into consideration four words: credibility, accountability, responsibility and consequence. He spoke of being responsible and accountable for spending public money. Citizens must hold Commissioners accountable for actions. This decision will affect other needs of the City. He commented the consequences of the decision are far-reaching over the next year and one-half and voters should take notice. He committed that over his term he will pay close attention to the project and other decisions.

Commissioner Bowers took a point of personal privilege and commented that countless hours were spent on the Public Safety Building issue. She knew both Commissioner Williams and Layson were very sincere in their belief. She believed the public had a right to hear both sides of the issue. Her decision was made by weighing facts and thinking of the long-term benefits. She considered the proximity of all city departments and the benefit to downtown. The Carpenter Farm over the long term will be sold at a profit. She apologized to Commissioner Williams for the question being called while he was out of the room. She did not realize he had slipped out and it was not intentional. She stated all five Board members have the best interest of the City at heart. She said she had not received one e-mail or phone call disagreeing with the vote.

Commissioner Carter commented that she comes to meetings intending to make informed decisions. In the City Manager form of government the majority rules. Now is the time to move forward.

Commissioner Layson called for a point of personal privilege. He said he was only thinking of the long term because the downtown site will not grow. The 2010 space needs are for 40,000 square feet. The Architect's estimate for this amount of space is \$11 million. The vote was for no cap. The location does not meet zoning regulations for parking spaces, with half behind the floodwall. This decision was made over objections of City's professional staff. The vote on July 19, 2004, limited the project to 33,678 square feet, limiting the press room, Mayor's office, dormitory and kitchen. The EOC was originally designed for 2,500 square feet. He also questioned the different cost estimates presented by the architect from February 2005 and June 2005. He stated the cost estimates and vote were not realistic in 2004, with no mention of location. He further stated it is irresponsible to jeopardize all other City projects due to this one vote.

On a motion by Commissioner Carter, seconded by Commissioner Layson, the meeting adjourned at 9:24 p.m.